

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHILIP CARPENTER,	:	CIVIL ACTION NO. 1:08-CV-2233
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
SUPERINTENDENT KLOPTOSKI,	:	
et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 26th day of February, 2010, upon consideration of the motion to dismiss (Doc. 79) plaintiff's amended complaint (Doc. 39), pursuant to Federal Rule of Civil Procedure 12(b)(6)¹, filed on behalf of defendant Crawford Manufacturing Corporation ("Crawford"), and it appearing that plaintiff has failed to file a brief in opposition to the motion in accordance with local rules of court, see L.R. 7.6, and that plaintiff's failure to oppose the motion indicates abandonment of the claims against Crawford, see D'Angio v. Borough of Nescopeck, 34 F. Supp. 2d, 256, 265 (M.D. Pa. 1999) (noting that abandonment of a position is tantamount to waiver), see also, Ober v. Miller, No. 1:04-CV-1669, 2007 WL 4443256 , at *14 (M.D.Pa. Dec. 18, 2007) (finding that plaintiff's failure to oppose defendants' motion for summary judgment on his equal protection claim resulted in abandonment of

¹Rule 12(b)(6) of the Federal Rules of Civil Procedure provides for the dismissal of complaints that fail to state a claim upon which relief can be granted. FED. R. CIV. P. 12(b)(6).

the claim), it is hereby ORDERED that Crawford's motion to dismiss the amended complaint (Doc. 79) pursuant to Federal Rule of Civil Procedure 12(b)(6) is DEEMED unopposed, see L.R. 7.6, and GRANTED. The Clerk of Court is directed to TERMINATE Crawford as a named defendant.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge